

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES L. SIMS,)	
)	Civil Action No. 12-166
Plaintiff,)	
)	
v.)	District Judge Terrence F. McVerry
)	
VIACOM, INC.,)	
)	
Defendant.)	ECF Nos. 7, 8, 24

MEMORANDUM ORDER

Plaintiff filed his Complaint on February 10, 2010 and was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court.

The Magistrate Judge's Report and Recommendation (ECF No. 24) filed on November 26, 2012, recommended that the Motion to Dismiss filed by Defendant Viacom, Inc. be granted, and that the Motion for Sanctions file by Viacom, Inc. be denied. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, the parties had fourteen (14) days from the date of service to file objections to the Report and Recommendation. Plaintiff filed Objections (ECF No. 25), and Defendant responded thereto (ECF No. 28).

After review of the pleadings, documents in the case and the Objections, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 29th day of January, 2013, it is hereby **ORDERED** that the Motion to Dismiss (ECF No. 7) filed by Defendant Viacom, Inc. is **GRANTED**.

IT IS FURTHER ORDERED that the Motion for Sanctions (ECF No. 8) filed by Defendant Viacom, Inc. is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 24) of Chief Magistrate Judge Lenihan, dated November 26, 2012, is adopted as the Opinion of the Court.

BY THE COURT

s/TERRENCE F. McVERRY
United States District Judge

cc: All counsel of record
Via Electronic Mail